

DAVID W. STEFFENSEN (Utah State Bar No. 4677)
LAW OFFICE OF DAVID W. STEFFENSEN, P.C.
4873 South State Street
Salt Lake City, Utah 84107
Telephone: (801) 263-1122
Facsimile: (801) 207-1755
Email: dave.dwslaw@me.com

Attorney for Jeffrey Hoggan

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

<p>HELO ENERGY, LLC, a Delaware limited liability company, SAND CANYON OF TEHACHAPI, LLC, a California limited liability company, and SAUGATUCK ENERGY, LLC, a Connecticut limited liability company,</p> <p style="text-align: center;">Plaintiffs, v.</p> <p>JEFREY HOGGAN, an individual, KENT A. HOGGAN, an individual, HEATHER K. KANN, an individual, DAVID L. PITCHER, a/k/a “David Lawrence”, an individual, EAGLE ENERGY, LLC, a Utah limited liability company, GLJ, LLC, a Utah limited liability company, SOUTHERN CALIFORNIA EDISON COMPANY, a California corporation, and DOES 1 through 10, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>Underlying case: United States District Court for the Central District of California Case No. 2:14-cv-6648 DSF (ASx)</p> <p>United States District Court for the District of Utah Case No. 1:16-mc-00016-DN</p> <p style="text-align: center;">Judge David Nuffer</p> <p>DECLARATION OF DAVID W. STEFFENSEN IN SUPPORT OF JEFREY HOGGAN’S OBJECTION TO HELO ENERGY LLC’S SUBPOENA AND NOTICE OF DEOPSITION OF MATTHEW THROCKMORTON</p>
<p>GLJ, LLC, a Utah limited liability company,</p> <p style="text-align: center;">Cross-Complainant, v.</p> <p>HELO ENERGY, LLC, a Delaware limited</p>	

liability company, SAND CANYON OF TEHACHAPI, LLC, a California limited liability company, and SAUGATUCK ENERGY, LLC, a Connecticut limited liability com, RAR ENERGY CONSULTING, LLC, a California limited liability company, FISHCREEK CAPITAL FUNDING L.P., a business entity of form unknown, and ROES 1 through 50, inclusive, Cross-Defendants.	
EAGLE ENERGY, LLC, a Utah limited liability company, Cross-Complainant, v. RUDY SAENZ, an individual, DAVID MURPHY, an individual, MIKE CLARY, an individual, LIGHTWAVE TECHNOLOGIES, INC., LIGHTWAVE ENERGY LLC, HELO ENERGY, LLC f/k/a SAND CANYON HOLDCO, LLC a/k/a SC HOLDCO, LLC, SAUGATUCK ENERGY, LLC, RAR CONSULTING, LLC, RICHARD REDOLGIA, an individual, DYNAMIC ENERGY PARTNERS, LLC, GLJ, LLC, HEATHER KANN, an individual, and ROES 1 through 50, inclusive, Cross-Defendants.	

I, DAVID W. STEFFENSEN, declare:

1. I am an attorney at law duly licensed to appear before all the courts of this state. I have been retained by JEFFREY HOGGAN to represent him in the underlying action, Helo Energy, LLC v. Hoggan et al, 14cv6648 DSF AS which is currently pending in the United States District Court for the Central District of California.

2. I make this declaration of my own personal knowledge. If called upon to testify to the matter stated in this declaration, I could and would competently do so.

3. I was retained by Jeffrey Hoggan on Wednesday, January 27, 2016 to replace his prior counsel who withdrew on January 22, 2016 in the California action. I am in the process of appearing in that California action pro hac vice. However, because that process is involved, and requires obtaining certificates of good standing from the bar associations of Utah and Wyoming where I am licensed, I have not yet been able to make that appearance in the California action.

4. A true and correct copy of the subpoena issued by Helo Energy, LLC to Matthew Throckmorton is attached hereto as Exhibit "A."

5. A true and correct copy of the notice of deposition issued by Helo Energy, LLC to Matthew Throckmorton is attached hereto as Exhibit "A."

6. Having just been retained by Jeffrey Hoggan, I am not yet up to speed on this case generally, or with Matthew Throckmorton's expert report specifically. I have had and will have no opportunity to prepare myself or Mr. Throckmorton for today's deposition.

7. In addition, my 84 year old mother is expected to die today and I need to be with her and my family today. In this regard, my mother has bravely battled a succession of heart related ailments which in the fall culminated in congestive heart failure associated with her heart only working at 20% efficiency. In early December she underwent an angioplasty procedure to determine if there was anything to be done to improve her condition. There wasn't anything that could be done. She was then placed under hospice care and has been gradually worsening. On Wednesday, January 27th, she could not breathe. X-rays were taken that day which confirmed that her lungs are more than 60% full of fluids. Her doctor and hospice care nurses indicated on

January 27th that she would pass within two days as her lungs continue to fill with fluid. On January 27th she was placed on a morphine drip to aid her passing. I have spent significant time with her the last two days, including last night, and her condition has continued to deteriorate. She is truly close to death. Yesterday, her hospice nurses indicated my mother would pass in the next 24 hours. Respectfully, I need to be with my dying mother and my father and family today.

8. On January 28, 2016, prior to filing this objection, I met and conferred with Helo Energy, LLC's counsel to attempt to resolve this issue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

LAW OFFICE OF DAVID W. STEFFENSEN, P.C.

Dated: January 29, 2016

By: s/ David W. Steffensen

David W. Steffensen
Attorney for Jeffrey Hoggan

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2016, I electronically filed the foregoing MOTION TO QUASH HELO ENERGY, LCC'S SUBPOENA AND NOTICE OF DEPOSITION OF MATTHEW THROCKMORTON with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

Miles Ehrlich
Ismail Ramsey
Amy Craig
Ramsey & Ehrlich LLP
803 Hearst Avenue
Berkeley, CA 94710

Tyler P. Meade
Melissa Riess
The Meade Firm, APC
1816 Fifth Street
Berkeley, CA 94710

Samuel Alba
Rodney R. Parker
Taymour B. Semnani
Snow, Christensen, & Martineau
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145

Brian P. McGilvray
Law Office of Brian P. McGilvray, ALC
5880 Canoga Avenue, Suite 400
Woodland Hills, CA 91367

Douglas W Andrews
Andrews and Rhodes LLP
21700 Copley Drive Suite 310
Diamond Bar, CA 91765

Dixon G Kummer
Gattuso Kummer and Worthing

8939 South Sepulveda Boulevard Suite 102
Los Angeles, CA 90045

James J Ward
Hogan Lovells LLP
1999 Avenue of the Stars Suite 1400
Los Angeles, CA 90067

LAW OFFICE OF DAVID W. STEFFENSEN, P.C.

Dated: January 29, 2016

By: s/ David W. Steffensen

David W. Steffensen
Attorney for Jeffrey Hoggan